

:1:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO. 1647 OF 1994

Mr. R.R. Zarekari .. Petitioner

Vs.

The State of Maharashtra and ors. .. Respondents

Mr. Dilip Bodake for Petitioner.

Ms. S.S. Bhende, AGP for State.

**CORAM : B. H. MARLAPALLE &
D. B. BHOSALE, JJ.**

Date : March 16, 2006.

P.C.:

1. The petitioner is in the employment of the State Government (Deputy Director of Vocational Education and Training) at Pune and he claims to be a scheduled tribe and Sonzhari Zareka caste. He was issued a caste certificate to that effect by the village Panchayat of Lonand on or about 29/5/1990. His claim that he belongs to the scheduled tribe was subjected to verification and the Committee for scrutiny and verification of the tribe claim at Pune has rejected the petitioner's claim vide its judgment and order dated 15/1/1994 and the said decision is the subject matter of challenge in this petition.

2. We have also noted that the petitioner was

issued a caste certificate by the Executive Magistrate at Khandala on 27/1/1988 and by the impugned order of the Scrutiny Committee the said certificate was directed to be cancelled and confiscated. The petitioner being an employee of the State Government, his tribe claim derives service benefits regarding promotion etc., if the same is upheld. We have also noticed that when the impugned decision was pronounced by the Committee there was no provision for vigilance inquiry and all the 18 documents submitted by the petitioner could not be corroborated by him in support of his tribe's claim. This deficiency could have been dealt with by subjecting all these documents to the vigilance inquiry and the report submitted by the Vigilance Officer could have dealt with the reliability of all these documents or at least some of them.

3. We are, therefore, satisfied that the tribe claim of the petitioner requires to be considered afresh by following the procedural requirements including the vigilance inquiry etc. as are applicable at present. We, therefore, partly allow this petition and quash and set aside the impugned order passed by the Scrutiny Committee. We direct the Committee to consider the petitioner's tribe claim

:3:

afresh and by following the procedural requirements as applicable at present including the vigilance inquiry etc. The fresh adjudication of the petitioner's tribe's claim (Sonzhari Zareka) shall be completed on its own merits as expeditiously as possible and preferably within a period of six months from the receipt of the writ by respondent no.3. The petitioner shall appear before the Committee on 5/4/2006 at 11.00 a.m. and produce a copy of this order before the Secretary of the said Committee. He is also at liberty to produce such further documents which may support his claim.

4. Rule made absolute in terms of the above directions with no order as to costs.

(D.B. Bhosale, J.)

(B.H. Marlapalle, J.)